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Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)
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The Development of)
Operational, Technical)
and Spectrum Requirements)
For Meeting Federal, State)
and Local Public Safety)
Agency Communication)
Requirements Through the)
Year 2010)
)
Establishment of Rules)
and Requirements For)
Priority Access Service)

WT Docket No. 96-86

REPLY COMMENTS ON THE SECOND NOTICE OF PROPOSED RULEMAKING
SUBMITTED BY
MAX MEDIA PROPERTIES LLC

January 26, 1998

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**REPLY COMMENTS ON THE SECOND NOTICE OF PROPOSED RULEMAKING
SUBMITTED BY
MAX MEDIA PROPERTIES LLC**

Max Media Properties LLC ("Max") hereby submits reply comments in response to the Commission's Second Notice of Proposed Rulemaking in the above-captioned docket (adopted Oct. 9, 1997, rel. Oct. 24, 1997) (the "NPRM"). Max currently is a licensee of seven full power television stations, including stations operating in the 746-806 MHz band (television channels 60-69).

Max files these reply comments in support of the comments submitted jointly by the Association for Maximum Service Television, Inc. ("MSTV") and the National Association of Broadcasters ("NAB"). Max agrees with MSTV and NAB that the 746-806 MHz band may be shared productively by broadcasters and public safety agencies if there are adequate interference protection standards.

I. The Commission's Proposed Interference Protection Standard will Not Sufficiently Protect Broadcasters

The Commission proposes to provide a protection standard with a signal ratio of 40 dB D/U for stations in the 746-806 Mhz band. As MSTV and NAB point out, this proposal would create additional interference to already vulnerable broadcast stations. Stations operating at channels 60-69 have struggled to achieve financial success. Although many stations are now established in their communities, an increase in interference will certainly cause a drop in viewers. Such a result would be devastating and could jeopardize the digital transition.

Rather than adopting a new, lower standard of protection for analog broadcasting service in the 746-806 Mhz band, the Commission should generally adopt the protection criteria currently in place for UHF-TV and Land mobile services in the 470-512 Mhz band.¹

The protection criteria in place for the 470-512 MHz band has a proven 25 year record. The sharing rules have created opportunities for land mobile while, at the same time, protecting free television service. There is no reason to tamper with this success and create a new sharing standard.

II. There is Insufficient Data to Create a Protection Criteria for Digital Television

It will be necessary to provide adequate protection for broadcasters and public safety users from interference created by

¹Max also agrees with MSTV and the NAB that stations operating within their full authorized power and antenna height, but produce a Grade B contour greater than 55 miles in radius should be protected up to their existing contour.

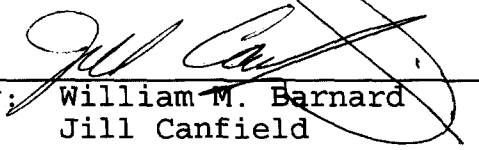
the transition to digital. As MSTV and NAB commented, there is currently not enough data to create the standard. There is danger of wasted spectrum if the protection is too great, and the equal danger of crippling interference if the protection is too slight.

The Commission should take more time and study this issue before a rule is established.

III. Conclusion

Max is excited about the transition to digital television, but apprehensive about the Commission's interference protection proposals. It is necessary that the Commission seek to ensure that broadcasters and public safety agencies operate efficiently during the transition. The success of the rules which protect UHF television and land mobile in the 470-512 MHz band should be used as a model for establishing rules for the 746-806 MHz band. Digital television should be studied to determine the best and most appropriate technical protection standards for this new service.

Respectfully submitted,
MAX MEDIA PROPERTIES LLC


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Certificate of Service

I, Jill M. D'Angelo, do hereby certify that a copy of the foregoing "Reply Comments on the Second Notice of Proposed Rulemaking Submitted by Max Media Properties LLC" were mailed by First Class U.S. Mail, postage prepaid, this 26th day of January, 1998 to the following:

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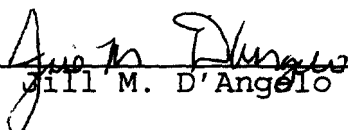
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